

## Manager Workplace Religious Discrimination Prevention Toolkit:

(Your guide to preventing and addressing religious discrimination in the workplace)

Question:	Answer:
<b>What is religious discrimination?</b>	Religious discrimination involves treating an applicant or employee unfavorably because of his or her religious beliefs.
<b>What is considered a religion?</b>	Religion includes all aspects of religious observance and practice as well as belief. The religion does not have to be a traditional, organized religion such as Buddhism, Christianity, Hinduism, Islam, and Judaism. It may be a completely unique set of beliefs, but those beliefs must be sincere and meaningful and in the life of the believer be on par with that filled by a deity.
<b>What law(s) are violated by religious discrimination?</b>	Religious discrimination violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government. In 1972 Title VII was amended to require that employers reasonably accommodate religious practices.
<b>Who is protected against religious discrimination?</b>	<p>Title VII protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.</p> <p>Religious discrimination can also involve treating someone differently because that person is married to or associated with an individual of a particular religion or because of his or her connection with a religious organization or group.</p>
<b>What course of action should a manager take if a gender harassment claim is brought to him or her?</b>	As a manager you must initiate an immediate administrative inquiry process by contacting your employee relations specialist who will assist you in conducting an investigation intended to gather information to determine what action, if any, should be taken. This information is not intended for legal or criminal prosecution. You may locate your employee relations specialist by clicking the following link <a href="#">Employee Relations Contacts</a> .

<b>What course of action should a manager take if a religious discrimination claim is brought against him or her?</b>	If a religious discrimination claim has been brought against you, your behavior will be under increased scrutiny. To avoid exacerbating the situation you should not engage in the behavior cited in the complaint. The NIH is committed to promoting and maintaining a work environment free from discrimination and retaliation. Reprisal for participation in the EEO process is prohibited. Therefore, any retaliation against the complainant is barred. It is strongly advised that any behavior that could be perceived as retaliatory be strictly avoided. It is imperative that you be supportive and cooperative of the resolution process and maintain a record of relevant communications and events.
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<b>Area:</b>	<b>Key Points:</b>
<b>Definition of a religion</b>	<ul style="list-style-type: none"> <li>• The EEOC has determined religion typically concerns “ultimate ideas” about “life, purpose, and death.” Social, political, or economic philosophies, as well as mere personal preferences, are not “religious” beliefs protected by Title VII.</li> <li>• Therefore just because a set of beliefs does not bother others does not mean that we must accommodate them they must meet the requirements of what constitutes a religion. The EEOC has struck down instances where a person’s beliefs were single faceted.</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>• Title VII covers both traditional and nontraditional religious beliefs including those that are new, uncommon, unaffiliated with a formal religious institution, or seem illogical or unreasonable to others.</li> </ul>
<b>Number of believers</b>	<ul style="list-style-type: none"> <li>• A religion is not defined by the number of its followers but the level of sincerity of its believer(s). Therefore, a religion may be followed by a few people or a single person.</li> </ul>
<b>Preferences</b>	<ul style="list-style-type: none"> <li>• A person’s preferences, regardless of how strong, are not religious beliefs.</li> </ul>
<b>Required religious activity</b>	<ul style="list-style-type: none"> <li>• Religious activity is prohibited as a condition of employment- required religious activity.</li> </ul>

Level of sincerity	<ul style="list-style-type: none"> <li>A person's level of sincerity is irrelevant in a religious discrimination claim. The issue is whether the person was treated differently for his or her association with a particular religion.</li> </ul>
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### Case Examples

Addresses:	Case
Testimony indicates that the employee was denied a promotion due to her faith.	<i>Winters v. Department of Veterans Affairs</i>
Complainant was subjected to harassment on the basis of his religion when a training instructor made disparaging and stereotypical comments about Muslims.	<i>Rana v. Department of Homeland Security</i>
A personal want or desire, bars a plaintiff from establishing a prima facie case of religious discrimination.	<i>Dachman v. Department of Health and Human Services</i>

### What You Should Know, but Probably Don't

- The NIH is automatically liable for harassment that results in a significant change in an individual's employment status (hiring, firing, promotions, demotions, undesirable reassignment) regardless of upper management's level of knowledge.

### How to Prevent Workplace Harassment

<ul style="list-style-type: none"> <li>Post the NIH's EEO policy in a highly visible physical or electronic</li> </ul>	<ul style="list-style-type: none"> <li>Once a manager is put on notice that an employee or applicant</li> </ul>
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<p>location</p> <ul style="list-style-type: none"> <li>• Disseminate the NIH's EEO policy to everyone and often</li> <li>• Firmly and consistently enforce the NIH's EEO policy</li> <li>• Permit religious expression on the same level as other forms of personal expression</li> <li>• Monitor behavior. Acquire a sense of what is normal and abnormal workplace behavior for your employees.</li> <li>• Respond to all allegations immediately and effectively.</li> </ul>	<p>finds a behavior religiously objectionable the manager should promptly put an end to the behavior</p> <ul style="list-style-type: none"> <li>• Treat all complaints seriously, consistently, and confidentially</li> <li>• Be sensitive but neutral.</li> <li>• Follow up with both the harasser(s) and the victim to make sure the harassment does not recur.</li> <li>• Document your actions</li> <li>• Avoid even the appearance of retaliation. For example if an employee must be removed from the workplace do not remove the alleged victim</li> </ul>
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**Contacts:**

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(Who to ask about what)

[Resolutions and Equity](#)

[Employee Relations Contacts](#)

[Identify Your Formal Complaints Specialist](#)

[Guidance Contact](#)

[NIH Ombudsman contact](#)

## **Resources:**

(Where to go for more information)

[Title VII of the Civil Rights Act of 1964](#)

[29 C.F.R. Section 1604.11](#)

[EEOC Religious Discrimination](#)

[EEOC Compliance Manual Section 12: Religious Discrimination](#)

[Facts about Discrimination in Federal Government Employment Based on Marital Status, Political Affiliation, Status as a Parent, Sexual Orientation, or Transgender \(Gender Identity\) Status](#)